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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/720,971   | 11/24/2003  | Craig L. Reding      | 03-1022             | 5216             |
| 32127 7590 04/17/2009<br>VERIZON LEGAL DEPARTMENT<br>PATENT MANAGEMENT GROUP<br>1320 N. COURTHOUSE ROAD<br>9TH FLOOR<br>ARLINGTON, VA 22201-2525 |             |                      |                     |                  |
| EXAMINER<br>JAMAL, ALEXANDER   |             |                      |                     |                  |
| ART UNIT PAPER NUMBER<br>2614  |             |                      |                     |                  |
| NOTIFICATION DATE DELIVERY MODE<br>04/17/2009 ELECTRONIC   |             |                      |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

### Office Action Summary

**Application No.**

10/720,971

**Applicant(s)**

REDING ET AL.

**Examiner**

ALEXANDER JAMAL

**Art Unit**

2614

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59 is/are pending in the application.
- 4a) Of the above claim(s) 11-18, 29-36 and 47-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 19-28, 37-46 and 57-59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to RCE and IDS***

1. Based upon the submitted RCE and IDS, the examiner withdraws the previously indicated allowable claims and submits a new set of non-final rejections.

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10, 19-28, 37-46 and 57-59 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-26 of U.S. Patent No. 7190773.

Although the conflicting claims are not identical, they are not patentably distinct from each other

because the application claims are a broader recitation of the network signaling claimed in the patent.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-59** rejected under 35 U.S.C. 103(a) as being unpatentable over Bartholomew et al. (6167119), and further in view of Brachman et al (US 20010040954 A1).

As per **claims 1,19,37,57-59**, Bartholomew discloses a contact specific method of managing two or more communication lines for a user (a call forwarding function) where a users calls are forwarded (via one or more lines) (col 12 lines 25-50) to predetermined destinations based on a stored profile. The user may call from any line and be detected via the IP (intelligent peripheral) (Col 14 lines 50-65). The system 'modifies' the two or more communication lines by determining where the calls should be forwarded. However, Bartholomew does not specify that the first user supplies contact information indicative of a second user used by the call forwarding function.

Brachman discloses a calling system comprising a controller that reads the incoming caller-id information and then forwards a call accordingly (abstract).

The call forwarding function can be remotely enabled and disabled by the first user. It would have been obvious that the first user could have supplied the second user caller-id information to the disclosed profile in order to provide the user with increased functionality by having the calls more accurately forwarded based on the incoming caller id..

As per **claims 2,20,38**, the network uses SCPs. The SCPs inherently comprise processors for the purpose of performing the disclosed functions.

As per **claims 3,4,21,22,23,39,40**, the implementation of the user defined call forwarding function implemented at an SCP or switch is an instruction to a service provisioning and creation environment. The recent change engine is any component that facilitates the user updating and setting the call forwarding information in the profile (table registry, list, database ect. ect. ect.)

As per **claims 5,24,41,42**, the caller ID comprises a name and a phone number.

As per **claim 6**, it is rejected as per the claimI rejection.

Per **claim 7,25,43**, the calls may be forwarded based on a time period.

Per **claim 8,26,44**, the calls may be forwarded to different voicemail servers (which inherently comprise processors) depending on the detected call.

Per **claim 9,27,45**, different ringing indicators may be used depending on the incoming call. Additionally a known POTS network comprises a busy signal generator when a line is unavailable.

Per **claim 10,28,46**, any number of lines could be associated with the user in the call forwarding function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

April 15, 2009